

**REMARKS**

Claims 1-9, 11, 12 and 14 are pending in the present application.

Claims 1 and 14 were withdrawn as drawn to a non-elected invention and are now canceled.

Claims 2-9, 11 and 12 stand finally rejected under 35 USC § 112.

Claim 2 has been amended to more clearly define applicants' invention

Claim 9 has been canceled herein and the limitations of claim 9 have been incorporated into claim 2

The paragraph numbers below correspond to those in the present action

No new matter has been added.

***Title***

3. Applicants thank the examiner for the withdrawal of the objection to the title.

***Objections to the Claims – withdrawal***

4. Applicants thank the examiner for the withdrawal of the objections to claims 3-9, 11 and 12 in view of previous amendments to the claims.

***Claim Rejections - withdrawal***

5. Applicants thank the examiner for the withdrawal of the rejections of claims 2-9, 11 and 12 under 35 USC § 112, 2d paragraph in view of previous amendments to the claims.

***Claim Rejections – 35 USC § 112, 1<sup>st</sup> paragraph***

6 - 8. Claims 2-9, 11 and 12 remain rejected under 35 USC § 112, 1<sup>st</sup> paragraph for failing to comply with the written description requirement and for lack of enablement. The examiner is of the opinion that the specification only adequately describes the *yhcP* gene from *E. coli* as set forth in SEQ ID NO:1 and the *yhcQ* gene from *E. coli* as set forth in SEQ ID NO:2. Similarly the examiner finds that the specification is only enabling for the use of the genes defined by SEQ ID NO:1 and 2 for use in methods for increasing the resistance of a host cell to aromatic carboxylic acids. Applicants traverse.

The claims have been amended so as to be limited in scope to the use of *yhcP* gene from *E. coli* as set forth in SEQ ID NO:1 and the *yhcQ* gene from *E. coli* as set forth in SEQ ID NO:2. In view of these amendments applicants submit that the claims comply with all aspects of 35 USC § 112 and are allowable.

Should there be any fee due in connection with the filing of this Amendment please charge such fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

/S. NEIL FELTHAM/  
**S. NEIL FELTHAM**  
ATTORNEY FOR APPLICANTS  
Registration No.: 36,506  
Telephone: (302) 992-6460  
Facsimile: (302) 992-5374

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